

FIRST DISTRICT  
NEW HAMPSHIRE



FRANK GUINTA  
HOUSE OF REPRESENTATIVES  
WASHINGTON, D.C. 20515

June 29, 2012

Administrative Section -

Thank you for meeting with the  
towns around Mount Ray. They and  
I appreciate the ability to work  
together. Paul Guinta

FRANK GUINTA

1000 Elm Street, New Hampshire

DISTRICT OFFICE

22 Lower Street

MANTONVILLE, NH 03101

P 603 641 3536 F 603 641 3501

CONGRESS

1000 New Hampshire House Office Building

Washington, DC 20515

P 202 225 5460 F 202 225 7810



## Congress of the United States House of Representatives

Washington, DC 20515

June 26, 2012

OVERSIGHT AND GOVERNMENT REFORM

GOVERNMENT

GOVERNMENT

GOVERNMENT SERVICE AND BUDGET

GOVERNMENT PROGRAMS

GOVERNMENT ORGANIZATION, EFFICIENCY

AND FINANCIAL MANAGEMENT

GOVERNMENT AFFAIRS, GOVERNMENT

GOVERNMENT SERVICES

TRANSPORTATION AND

INFRASTRUCTURE

GOVERNMENT

GOVERNMENT

GOVERNMENT SERVICE AND BUDGET

GOVERNMENT PROGRAMS

GOVERNMENT

Administrator Lisa Jackson  
United States Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Dear Administrator Jackson:

I am thankful for your participation in an upcoming discussion between the Environmental Protection Agency (EPA) and representatives of the coalition of concerned New Hampshire Municipalities. Your willingness to meet with these parties indicates a constructive step in the process to protect the Great Bay Estuary, and I hope as you consider the arguments made by representatives of the affected communities, you will recognize not only the legitimacy of their arguments but also their earnest concern for the environmental future of Great Bay.

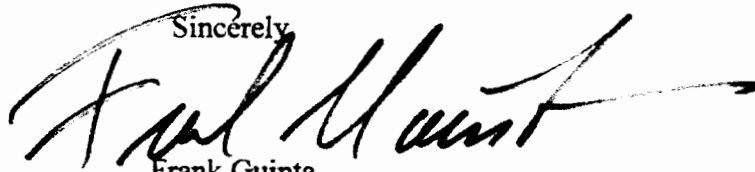
Since the beginning of 2011, my office has met with concerned community leaders and participated in numerous meetings regarding this critical issue. Wastewater Treatment Plant (WWTP) permit hearings have been held in the communities of Exeter, Newmarket and Dover with a great deal of dialogue, but with little progress or direct responses to the concerns raised by community leaders and local citizens. The communities I represent are frustrated with the process and have raised scientific doubt about the conclusions currently being reached by your agency.

At a recent field hearing of the House Oversight & Government Reform Committee, testimony was entered in to the record that indicated your agency's Great Bay policy is being driven by an aversion to a legal challenge by the Conservation Law Foundation (CLF), rather than by the practices of good governance. This testimony was very harmful to the reputation of your agency and no response has been given to either the Committee, or the people of New Hampshire, who have a vested interest in this matter. Since that hearing, I have also become aware of further evidence that indicates the EPA's policy is being determined by an effort to satisfy the concerns of CLF. Additionally, many of the scientific claims currently made by the EPA are directly at odds with prior federally funded research efforts and, thus, do not stand up to strict scrutiny. Moreover, EPA's decision to exclude the public from the scientific peer review process regarding appropriate nutrient criteria for Great Bay, only further erodes public confidence in the objectivity of EPA's decision making process.

In light of these many concerns and in order to provide for the restoration of public faith with this process, I strongly urge the Environmental Protection Agency to: (1) temporarily suspend the process of issuing WWTP permits to the affected communities in the Great Bay Estuary and (2) submit all scientific data concerning the health of the Great Bay Estuary for a detailed, open, and independent peer review.

This proposal is submitted to your attention after many months of careful consideration. As a policy maker, I rely upon well documented and reliable information provided by accredited scientists in order to make sound public policy decisions on behalf of the constituents I have the honor of representing. The concerns raised by the communities severely contradict the findings of the EPA and do not give me great confidence in the current process. I therefore respectfully request you consider this recommendation and fully be prepared to discuss this issue at the June 28<sup>th</sup> meeting.

Sincerely,

A handwritten signature in black ink, appearing to read "Frank Guinta", with a long horizontal flourish extending to the right.

Frank Guinta  
Member of Congress

AL-12-DDI-0939

FRANK GUINTA  
1ST DISTRICT, NEW HAMPSHIRE

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**Congress of the United States**  
**House of Representatives**

Washington, DC 20515

June 26, 2012

**OVERSIGHT AND GOVERNMENT REFORM**

**SUBCOMMITTEES**

**VICE CHAIR**

TARP, FINANCIAL SERVICES AND BAROUES OF  
PUBLIC AND PRIVATE PROGRAMS  
GOVERNMENT ORGANIZATION, EFFICIENCY  
AND FINANCIAL MANAGEMENT  
REGULATORY AFFAIRS, STIMULUS OVERSIGHT  
AND GOVERNMENT SPENDING  
TRANSPORTATION AND  
INFRASTRUCTURE

**SUBCOMMITTEES**

**AVIATION**

COAST GUARD AND MARITIME TRANSPORTATION  
HIGHWAY AND TRANSIT  
BUDGET COMMITTEE

Administrator Lisa Jackson  
United States Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

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This proposal is submitted to your attention after many months of careful consideration. As a policy maker, I rely upon well documented and reliable information provided by accredited scientists in order to make sound public policy decisions on behalf of the constituents I have the honor of representing. The concerns raised by the communities severely contradict the findings of the EPA and do not give me great confidence in the current process. I therefore respectfully request you consider this recommendation and fully be prepared to discuss this issue at the June 28<sup>th</sup> meeting.

Sincerely,

A handwritten signature in black ink, appearing to read "Frank Guinta", with a long horizontal flourish extending to the right.

Frank Guinta  
Member of Congress

**Congress of the United States**  
**Washington, DC 20515**

May 16, 2012

Administrator Lisa P. Jackson  
Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue; NW  
Washington, DC 20460

Re: Great Bay Municipal Coalition Meeting Request

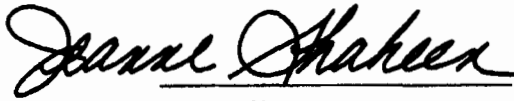

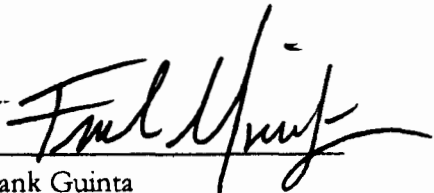
Dear Administrator Jackson:

We are writing on behalf of the New Hampshire Great Bay Municipal Coalition, consisting of the towns of Dover, Exeter, Newmarket, Portsmouth and Rochester, who have requested our assistance setting up a meeting with you. The Coalition would like to bring to your attention concerns with the Agency's actions regarding the nutrient permitting issue.

It is our hope that you will agree to meet with the Coalition and that we can continue to work collaboratively to address the challenging issues facing the Great Bay Estuary.

Thank you for your consideration of this request.

Sincerely,

		
Jeanne Shaheen U.S. Senator	Kelly Ayotte U.S. Senator	Frank Guinta U.S. Congressman (NH-01)

Cc: Curt Spalding, EPA Region I Administrator  
Thomas Burack, Commissioner of NH DES  
The Honorable Dean Trefethen, Mayor, City of Dover  
Matthew Quandt, Chair, Exeter Board of Selectmen  
Philip Nazzaro, Chair, Newmarket Town Council  
The Honorable Eric Spear, Mayor, City of Portsmouth  
The Honorable T. J. Jean, Mayor, City of Rochester

FRANK GUINTA  
1ST DISTRICT, NEW HAMPSHIRE

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**Congress of the United States**  
**House of Representatives**

Washington, DC 20515

April 4, 2011

OVERSIGHT AND GOVERNMENT REFORM

SUBCOMMITTEES

VICE CHAIR  
TARP, FINANCIAL SERVICES AND BANKS OF  
PUBLIC AND PRIVATE PROGRAMS  
GOVERNMENT ORGANIZATION, EFFICIENCY  
AND FINANCIAL MANAGEMENT  
REGULATORY AFFAIRS, STIMULUS OVERSIGHT  
AND GOVERNMENT SPENDING  
TRANSPORTATION AND  
INFRASTRUCTURE

SUBCOMMITTEES

AVIATION  
COAST GUARD AND MARITIME TRANSPORTATION  
HIGHWAY AND TRANSIT  
BUDGET COMMITTEE

Mrs. Lisa Jackson  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004

Re: Resolution of Nutrient Permitting Issues in Great Bay Area

Dear Administrator Jackson:

I am contacting you on behalf of the many communities that are tributary to Great Bay. These communities have formed a coalition to address the technical and regulatory challenges of protecting that ecosystem. The group is presently assessing how to improve nutrient reduction capabilities at existing facilities and is looking at other innovative approaches to restore ecosystem health (eelgrass replanting and oyster bed replenishment). As part of that effort, the coalition has also raised concerns that the effect of nutrients (i.e., total nitrogen (TN)) on the system is not well understood and needs to be resolved to ensure limited local resources are properly directed. They are concerned that extensive local resources (several hundred million dollars) will be focused on extreme point source TN reductions that will not likely result in meaningful ecological improvements because other factors are at play. Should this occur, Great Bay will continue to suffer, and the means to execute other appropriate corrective measures will be lost. In view of these concerns, in January, 2011, the Department of Environmental Services (DES) agreed to conduct an independent peer review of the issues raised (e.g., have nitrogen inputs significantly impacted water column transparency and dissolved oxygen levels in the system, what other factors may have led to eelgrass declines, etc.). I understand that to further this important review, technical analyses have been exchanged and that meetings are being held with DES to discuss both the scientific issues and possible alternative approaches to protect the Bay's resources.

Although an expert peer review is now planned for this summer (with funding from the coalition), EPA Region I has recently informed one of the communities, Exeter, that it will be issuing a permit and imposing "limits of technology" TN reduction on that facility. Apparently, they will also be requested to sign a consent decree to provide a schedule to begin construction of such facilities. The communities are greatly concerned that a "one-size-fits-all" limits of technology approach is wasteful and unnecessary to produce a major reduction in municipal nutrient contributions, assuming TN is a key factor in the decline of the Bay. They inform us that in other nutrient impairment settings, similar to Great Bay, EPA has not forced States to use a "limits of technology" approach but has allowed the State to formulate an appropriate and cost-effective balance between point and non-point controls. Two such examples are

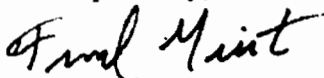
Chesapeake Bay and Long Island Sound. I am told that the communities will have no choice but to redirect resources to challenge the Region's permitting decision, forcing limited municipal resources to be focused on activities that will not produce any benefit to Great Bay. Unfortunately, such a challenge will also only slow down efforts to restore the Bay.

Given the planned peer review and its importance in selecting the best strategy for protection of the Bay's resources, we request that EPA forgo permit action until the peer review activities are completed and allow DES to choose the most appropriate reduction requirements for the municipal TN contributions. Our request is consistent with EPA Headquarters' recently issued memorandum entitled "Working in Partnership with States to Address Phosphorus and Nitrogen Pollution through Use of a Framework for State Nutrient Reductions" (March 16, 2011). That document explains that States, EPA, and stakeholders should work "in partnership" to make progress on nutrient reduction and that States need "room to innovate and respond to local water quality needs, so a one-size-fits-all solution to nitrogen and phosphorus pollution is neither desirable nor necessary." EPA's memorandum also indicates that it has long been the Agency's position that relying on "good science and local expertise can mobilize local governments and stakeholders to achieve significant results." I suggest that those principles should apply in this instance.

It would seem that the Region's proposed action, at this time, is premature and will work at odds with promoting a collaborative approach to protecting Great Bay. The communities have repeatedly expressed a willingness to step forward to initiate nutrient reduction measures while the technical issues are being assessed. The Region's proposed approach unfortunately truncates that collaborative effort and steers the process in a confrontational direction, contrary to guidance contained in the Headquarters' memorandum. Forcing a specific permitting result in advance of ensuring that the scientific understanding is correct does not seem appropriate, particularly given the schedule for the peer review. I therefore ask that EPA defer action at this time and work in collaboration with the State and local governments to arrive at a solution that promotes resolution of any scientific uncertainties and implementation of cost-effective nutrient reduction measures. I would also like to be informed on the flexibility that a State has in deciding whether and how to limit point source contributions to nutrient impaired waters where point sources are estimated to contribute a relatively small fraction of the nutrient loads and whether "limits of technology" is mandated by federal law in that instance.

I look forward to the Agency's response to this request and the promotion of a collaborative solution for the restoration of Great Bay.

Respectfully,

A handwritten signature in black ink, appearing to read "Frank Guinta", written in a cursive style.

Frank Guinta

Member of Congress

cc. Great Bay Coalition  
Curt Spalding, Regional Administrator, Region I





**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 1  
5 POST OFFICE SQUARE, SUITE 100  
BOSTON, MA 02109-3912

April 18, 2011

The Honorable Frank C. Guinta  
Member of Congress  
33 Lowell Street  
Manchester, NH 03101

OFFICE OF THE  
REGIONAL ADMINISTRATOR

Dear Congressman Guinta:

Your letter of April 4, 2011, to EPA Administrator Lisa P. Jackson regarding nutrient permitting issues in the Great Bay Estuary was forwarded to EPA New England for response. EPA shares your interest in restoring and maintaining the ecological health of Great Bay, the development of scientifically sound numeric nutrient criteria and the establishment of reasonable and protective permit limits for municipal dischargers. We are also acutely aware that the cost of municipal infrastructure improvements is particularly challenging for communities throughout our region at this time. We fully intend to work as closely as possible with local officials to assess the affordability of any required treatment plant upgrades, and to develop phased implementation schedules that provide generous lead times for meeting new discharge limits.

Let me assure you that EPA will take no final permitting action in the Great Bay watershed before the end of the summer. On March 25, 2011, after briefing town officials, EPA put on notice a proposed permit for Exeter, opened a 120-day public comment period and scheduled a public hearing. The comment period EPA established is four times the typical length to allow sufficient time for all views on the proposed permit to be formulated and submitted. As we have recently explained to Exeter and to the Southeast Watershed Alliance, EPA is prepared to consider new, reviewed scientific information on the effects of nitrogen in the estuary at any time during the permitting process. Please also be assured that we did not request that Exeter sign a consent decree. We would not be entering into a compliance schedule until a final permit is issued and a schedule for achieving the limits in the permit is agreed to. It is important for everyone to understand that what we have taken is but the first step in an often lengthy deliberative process. The key is to take the first step - to get the dialogue started.

EPA acknowledges that some irreducible level of scientific and technical debate is likely inevitable when assessing the issue of nutrients, especially in the context of complex ecosystems like Great Bay. We have long been aware of questions about New Hampshire's draft numeric water quality criteria for nutrients. EPA has actively sought out mechanisms to address these concerns with the state's scientific and technical analysis and conclusions in neutral forums. EPA solicited independent review of the document "Numeric Nutrient Criteria for the Great Bay Estuary" through the Nutrient Scientific Technical Exchange Partnership and Support program by two widely-recognized experts in the field of estuarine science. Both reviewers concluded that NHDES was correct in their determination that nitrogen was the causal variable influencing

the loss of eelgrass in Great Bay. The reviewers commented that the data collected by NHDES was of high quality and its interpretation well supported by scientific literature and reasoning. The results of this review were broadly consistent with numerous estuarine research studies over the past several decades, which have demonstrated a causal link between excess inputs of nitrogen to estuaries and proliferation of nuisance algae and the detrimental effects that this has on submerged aquatic vegetation, oysters, dissolved oxygen concentrations and light attenuation. Still, we will certainly take into account any differing scientific analysis that may emerge in the additional peer review.

I can also assure you that EPA does not have a one-size-fits-all solution in mind for the Great Bay watershed. Our plan is to proceed with permit renewals in each of the tidal river watersheds, using data specific to that watershed as well as to the larger Great Bay system. In the case of Exeter, we do expect to see significant, measurable improvements in the water quality of the Squamscott River following the completion of a modern day wastewater treatment facility. We are also well aware of the significant contribution of nonpoint sources to the problem; they will have to be a significant part of the solution. It is our intent to assess all sources of nitrogen on a sub-watershed basis in search of the most cost-effective solutions.

Rather than put the exploration of solutions on pause, I would suggest that it would be in the best interest of all - and especially the Great Bay Estuary - to begin that exploration now, in earnest. Currently, close to 20 million gallons of wastewater, with little or no treatment for nitrogen removal, flows to the estuary every day, and existing permits allow for an additional 10 million gallons a day to be added to this in the coming years. We will need to consider the use of every tool available - from voluntary actions, to incentives, to local and state regulation and federal permits. EPA has offered a view of what is needed for the dominant point source impacting the Squamscott River. We should be encouraging people with better solutions to come to the table. We firmly believe that it is possible and necessary for the scientific dialogue and the discussions about solutions to proceed in parallel over the coming months. EPA is prepared to work simultaneously with individual communities on the specific needs in their part of the estuary, and with a collective group of communities in the watershed on a more comprehensive plan. We have invited and would welcome an indication that the Coalition communities want to join EPA and NHDES in this larger dialogue.

I look forward to working with you, New Hampshire and the Great Bay watershed communities to restore and maintain the Great Bay ecosystem. If you have further questions, please contact me or your staff may call Rudy Brown in the Office of Government Relations at (617) 918-1031.

Sincerely,



H. Curtis Spalding  
Regional Administrator

Aug. 5. 2011 1:21PM

AL-11-001-3567

No. 3518 P. 2

FRANK GUINTA  
1ST DISTRICT, NEW HAMPSHIRE

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Congress of the United States  
House of Representatives

Washington, DC 20515

August 5, 2011

OVERSIGHT AND GOVERNMENT REFORM

SUBCOMMITTEES:

VICE CHAIR  
TARP, FINANCIAL SERVICES AND BAILOUTS OF  
PUBLIC AND PRIVATE PROGRAMS  
GOVERNMENT ORGANIZATION, EFFICIENCY  
AND FINANCIAL MANAGEMENT  
REGULATORY AFFAIRS, STIMULUS OVERSIGHT  
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TRANSPORTATION AND  
INFRASTRUCTURE

SUBCOMMITTEES:

AVIATION  
COAST GUARD AND MARITIME TRANSPORTATION  
HIGHWAY AND TRANSIT  
BUDGET COMMITTEE

Mr. David McIntosh  
Associate Administrator for Congressional & Intergovernmental Relations  
Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Room 3426 ARN  
Washington, DC 20460-0003

Dear Mr. McIntosh,

Enclosed please find a letter from my constituent, Paul Callahan of Lakes Region ThermalScan, regarding his concerns with ENERGY STAR program. Any information you can provide regarding this issue would be appreciated so I may respond to his concerns.

Thank you in advance for your assistance. I look forward to receiving your reply. Should you need any additional information, please contact Jennifer Gosselin of my staff at (603) 641-9536 or via e-mail at [jennifer.gosselin@mail.house.gov](mailto:jennifer.gosselin@mail.house.gov) and she will be happy to speak with you.

Sincerely,

Frank Guinta  
Member of Congress

Reply to:  
Congressman Frank Guinta  
33 Lowell Street  
Manchester, NH 03101

fg/jg  
Enclosure

RECEIVED  
AUG 04 2011



[www.LRThermalScan.com](http://www.LRThermalScan.com)

August 3, 2011

Honorable Frank Guinta  
33 Lowell Street  
Manchester NH 03101

Congressman Guinta,

Attached is a complaint to the EPA concerning their Home Performance with ENERGY STAR Program and abuses against small business in New Hampshire by their program sponsor. I would respectfully request any follow up action from your office that you deem appropriate.

Sincerely

A handwritten signature in cursive script that reads "Paul W. Callahan".

Paul Callahan  
Lakes Region ThermalScan  
68 Heath Dr.  
Gilmanton Iron Works, NH 03837



[www.LRThermalScan.com](http://www.LRThermalScan.com)

August 3, 2011

To: Environmental Protection Agency  
Program Director – Home Performance with ENERGY STAR– Chandler von Schrader

SUBJECT: Discredit of ENERGY STAR Brand – Unfair Business Practices and Conduct Pursuant to the Home Performance with ENERGY STAR Program Administered by the New Hampshire Electrical Co-operative.

Reference: Home Performance with ENERGY STAR Sponsor Guide  
Home Performance with ENERGY STAR Contractor Participation Agreement

Mr. Schrader,

I originally contacted you earlier this year concerning a complaint pertaining to abuses against small business by the New Hampshire Electric Co-operative, a sponsor of the EPA's Home Performance with ENERGY STAR program in New Hampshire. At that time you immediately deferred the problem back to this Utility to resolve. This issue is not resolved and I am resending my original complaint back to you updated as appropriate. Please consider this a formal complaint. I am copying this complaint to my Federal Representatives requesting them to follow up with the EPA on this issue.

I served over 10 years as an Officer in the United States Marine Corps because I believe in a free society and a free market system. I did not serve so markets can be taken over and dominated by a select few. I have read everything published concerning the EPA's Home Performance with ENERGY STAR program. I fully agree and support this program *as it was intended to be implemented* – to promote market transformation in this field and to raise standards both from the contractor and homeowner perspective. However the EPA has allowed your Sponsors to "pick and choose" what parts of this program to implement. This has allowed the New Hampshire Electric Co-operative to gain extreme market advantage and to conduct abuses against small business under the Federal ENERGY STAR brand. The EPA has not enforced specific provisions of the Sponsor's Guide and the Partnership Agreement the New Hampshire Electric Co-Operative has with the EPA. Thus specific "checks and balances" to ensure rights of the participating contractors has not been enacted.

My interaction with the New Hampshire Electric Co-operative revealed that they do not understand a comprehensive energy retrofit and their focus has been to utilize this program to gain market leverage to provide their customers discounted insulation services. In all aspects there has been attempts to shift costs and business risk unto the participating contractors. Their focus on reduced costs along with the implementation of a list of "approved measures" and a system of price controls significantly limits our ability to implement quality weatherization services. A specific cost cutting policy implemented by the NHEC prevented my contractors from sealing, insulating, or even re-connecting forced hot air ducts – the means to fund such measures was eliminated by NHEC.

Simply put small businesses such as mine that are allowed to operate in a free market can do this job better then a centrally controlled market with price controls that are dominated by a select few. I understand that the Home Performance with ENERGY STAR program does not intend to control markets, but that is what is happening in New Hampshire with abuses against small business and services that are below standards compared to what can be provided without market control as a result.

I ask that the EPA take control of your program and ensure the rights of small business are not violated under the ENERGY STAR brand. I will also extend the offer that I am willing to personally fly to Washington to meet with yourself and your staff on this issue.

Sincerely



Paul Callahan  
Lakes Region ThermalScan  
68 Heath Dr.  
Gilmanton Iron Works, NH 03837

Attachment:  
Original Complaint to EPA, as amended.

## **Complaint against the New Hampshire Electric Co-operative – Sponsor of EPA's Home Performance with ENERGY STAR Program**

### **1. About Lakes Region ThermalScan and our Policies**

Lakes Region ThermalScan is a veteran owned small business that began operations in 2008. The proprietor served eleven years as an officer with the United States Marine Corps, is a Gulf War Veteran and currently is employed as a pilot at a major US airline. Relying upon his military traditions and values, honor and integrity has been the guiding business principle of Lakes Region ThermalScan from its inception.

Lakes Region ThermalScan is the recipient of the EPA's "Century Club Award" having conducting well over 100 Home Performance with ENERGY STAR retrofits in 2010. LRTS was the only company in New Hampshire to conduct more then 100 HPwES retrofits in New Hampshire in 2010. Lakes Region ThermalScan was rated at the highest level in customer satisfaction by the Home Performance with ENERGY STAR customer surveys administered by the program Sponsors.

Lakes Region ThermalScan does not discriminate based upon race, religion, national origin, gender, veteran status, disability, or age. We have a commitment to fair, ethical and appropriate treatment of all our employees, contractors, and business partners and a commitment to ensure a non-hostile and friendly work environment. Lakes Region Thermalscan actively seeks other veteran owned small businesses in which to provide business opportunities and opportunities to perform work. Lakes Region ThermalScan has committed to providing discounted services to all veterans and pro bono services to any veteran, or widow of a veteran, who needs but can not afford our services. We have a commitment of ensuring honor and integrity in the conduct in all our business relations, to always represent the best interest of our clients, and to ensure fair and ethical treatment of our clients under all circumstances and situations.

Lakes Region ThermalScan requires and expects similar standards of conduct from all contractors and vendors with which we conduct business and will refuse to conduct business with any entity that does not conduct business in a similarly professional manner.

### **2. Grievance due to Inappropriate Conduct of Business and Behavior**

a. Lakes Region ThermalScan provides services under the ENERGY STAR and Home Performance with ENERGY STAR program administered by the New Hampshire Electrical Co-operative (NHEC). It is with great disappointment and sadness that I must report that the New Hampshire Electric Co-operative has not conducted business to acceptable or appropriate standards and as such discredits the ENERGY STAR brand.

b. The Home Performance with Energy Star program administered by NHEC and the other Utilities in New Hampshire offers free energy auditing services and 75% discounts on weatherization services. As such, the program enjoys a virtual monopoly in the energy auditing field and significant market dominance in the weatherization field. Small businesses in the energy auditing and/or weatherization field must conduct business in the Home Performance with ENERGY STAR program in order to remain viable. Additionally, the Home Performance with Energy Star Program in New Hampshire "sets" all prices for auditing and weatherization services to be charged under the program. Measures completed must conform to an "approved" list of retrofit measures managed by the Utilities.

c. This market dominance and power is fully understood by the program administrator of the New Hampshire Electrical Co-operative. The program administrator has abused his power and position discrediting the ENERGY STAR brand. Examples of such unfair business practices and inappropriate conduct are described as follows.

- A. Unfairly demanding lower cost inputs from auditors and weatherization contractors.
- B. Refusing to negotiate in good faith additional costs, such as implementing the EPA lead paint abatement procedures, or additional labor for working in severely restricted access and confined spaces – dictating that contractors can not bill for these services and must solely absorb such cost.
- C. The New Hampshire Electric Co-Operative provided my company a specific order that I could not charge either the Utility or the homeowner participant the cost of implementing the EPA lead abatement program. Such costs were deemed “the cost of doing business” in the program.
- D. Threatening to withhold work or immediate dismissal from the program if his specific demands are not met.
- E. Directly involving himself in the contractual process between the contractor and the homeowner, unilaterally dismissing contract terms and provisions of signed contracts between my company and my clients, and threatening to deduct and withhold payment if his demands are not met.
- F. Demanding that my company pay frivolous claims to homeowners, stating that homeowners will be made “happy at all costs” – denying my company and my contractors the protection from frivolous claims as we are provided under State law.
- G. Demanding that contractors perform work without payment.
- H. Abusing contractors with inappropriate tone of voice – yelling.

d. The Home Performance with ENERGY STAR Contractor Participation Agreement is completely disregarded and ignored by the New Hampshire Electrical Co-operative. My company was told that due to contract provisions contained in a separate contract outside of the EPA mandated Contractor's Participation Agreement, all other terms and conditions were overridden and “mute,”

e. The Home Performance with ENERGY STAR Sponsor Guide has *not* been implemented by the New Hampshire Electrical Co-operative and provisions within such have been completely ignored. Mandatory policies such as Homeowner Complaint Resolution Policy and a Policy to resolve contractor's grievances have not been published. Instead of a policy that respects the rights of both the homeowner and the contractor the failure to publish such policy provides the program manager the ability to make judgments at his discretion.

f. The program administrator at the New Hampshire Electrical Co-operative has stated that the Home Performance with Energy Star program that he manages is intended to provide his



electrical customers discounted weatherization services, that he specifically represents his "customers" and that all contractors in this program specifically work for "him." I was specifically told that this program is "not for contractors" and only for the benefit of homeowners.

g. Due to the above listed items the New Hampshire Electrical Co-operative is in violation of the Partnership agreement between them and the EPA to conduct this program.

This type of unfair business practices, conduct and behavior will not be tolerated by my company and discredits the EPA ENERGY STAR brand through which this conduct was performed.

My company was told by the NHEC program manager that I must send my contractors out to a job to conduct work without compensation. Specifically - my contractor could not complete all work on a project before the December 31<sup>st</sup> rebate funding deadline due to a post Christmas blizzard. Though the program manager specifically denied my request for an extension, the program manager ordered my company to complete the project without rebate funding or payment from the homeowner. I was told that I must pay an unreasonable claim to a homeowner that I personally deemed to be frivolous. I was threatened with the withholding of program work and dismissal from the program if I did not comply. This conduct is a violation of my personal integrity and the integrity of the ENERGY STAR brand. My request of the NHEC program manager to show me where in our contracts he has the right to make such demands was replied with my company's removal from both the HPwES and the ENERGY STAR programs. Due to this conduct I filed a grievance with NHEC management for unfair business practices. NHEC management summarily dismissed my claim of unethical business practices as a "miscommunication". Not a single question was asked of myself or my office manager pertaining to the program manager's conduct. What I saw was a 100% effort to cover-up the Utility's misconduct and a complete effort was undertaken to discredit my company.

I am requesting that an immediate investigation be conducted with corrective action implemented to correct these issues with the New Hampshire Electrical Co-operatives. I am requesting that the New Hampshire Electrical Co-operative's partnership with the EPA to manage the Home Performance with ENERGY STAR program be immediately suspended until such an investigation is completed and appropriate corrective action implemented.

Sincerely



Paul Callahan  
Lakes Region ThermalScan  
68 Heath Dr.  
Gilmanton Iron Works, NH 03837



**Office of Congressman Frank Guinta**  
**First Congressional District of New Hampshire**  
33 Lowell Street  
Manchester, NH 03101  
Phone (603) 641-9536, Fax (603) 641-9561

**FAX COVER SHEET**

DATE: 8/5/11

TO: Congressional Affairs - EPA

FROM: Jennifer Gosselin

FAX NUMBER: 202-501-1519

PAGES (Including Cover Sheet): 8

RE: Congressional Affairs - Callahan

COMMENTS:

A handwritten signature in black ink, appearing to be "JG" or similar, written over the first few lines of the comments section.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OCT - 5 2011

OFFICE OF  
AIR AND RADIATION

The Honorable Frank Guinta  
33 Lowell Street  
Manchester, New Hampshire 03101

Dear Congressman Guinta:

Thank you for our letter on August 5, 2011. In your letter addressed to Mr. David McIntosh, former Associate Administrator for Congressional and Intergovernmental Relations for the U.S. Environmental Protection Agency, you requested information on a complaint from Mr. Paul Callahan of Lake Regions ThermalScan regarding the New Hampshire Home Performance with ENERGY STAR (NH HPwES) program.

In February of this year, Mr. Callahan expressed his concerns with the NH HPwES sponsors to Chandler von Schrader, Manager of EPA's national HPwES program. At that time, Mr. von Schrader encouraged the local sponsors to meet with Mr. Callahan and address his concerns directly. The New Hampshire Electric Co-Operative, which is one of four participating utilities in the NH HPwES program, was engaged and responded to Mr. Callahan's complaints in several meetings. In subsequent emails, Mr. Callahan mentioned that the meetings were professional and largely resolved his issues.

In Mr. Callahan's more recent complaint to the EPA dated August 3, 2011, he expressed concerns that the national HPwES program is "not enforce(ing) specific provisions of the Sponsor's Guide and the Partnership Agreement" with New Hampshire Electric Co-Operative. As with all HPwES sponsors, the NH HPwES program submitted a program plan and a signed Partnership Agreement for review. NH HPwES has met all the programmatic requirements as spelled out in our Partnership Agreement. Mr. Callahan may not be aware that the EPA allows its HPwES sponsors to design their programs as their resources (e.g., utility cost benefit analysis, marketing, contractor capacity, program incentives, etc.) permit. Although HPwES is a voluntary program, sponsors must report their installation and quality assurance activities quarterly and submit a year-end summary of their program's market impacts. As demonstration of NH HPwES's adherence to the program, in 2011 it was recognized as a national ENERGY STAR award winner.

Mr. Callahan also has concerns that NH HPwES policies create an unfair business environment for small businesses like his. This likely stems from a recent reduction in homeowner incentives and a more stringent accounting of approved measures that all contractors (big or small) must

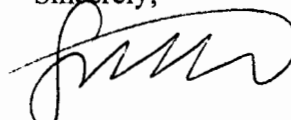
follow. NH HPwES uses a unique pricing model that is reviewed and accepted each year by the participating contractors (including Mr. Callahan). This pricing schedule determines the types of measures that receive incentives because they meet the program's cost benefit analysis criteria.

In certain instances, measures taken by contractors as part of the home improvement upgrade do not meet these criteria and consequently may not qualify for incentive payments. NH HPwES sponsors have recognized this challenge and are committed to working with their contractor community to enhance business opportunities in New Hampshire. Coincidentally, Lake Regions ThermalScan was recognized as one of 56 national contractors to report more than 100 installations under their participating HPwES program. In addition, Lake Regions ThermalScan was the top performing contractor in 2011 for the NH HPwES program.

We appreciate Mr. Callahan's ongoing participating in the NH HPwES program. We are in close communications with the New Hampshire sponsors who continue to work with Lake Regions ThermalScan and the other 24 participating companies to deliver energy efficiency improvements under the HPwES program.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Cheryl Mackay in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-2023.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gina McCarthy', with a stylized, flowing script.

Gina McCarthy  
Assistant Administrator

AL-12-001-0939

FRANK GUINTA  
1ST DISTRICT, NEW HAMPSHIRE

DISTRICT OFFICE:  
33 LOWELL STREET  
MANCHESTER, NH 03101  
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1223 LONGWORTH HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
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Congress of the United States  
House of Representatives

Washington, DC 20515

OVERSIGHT AND GOVERNMENT REFORM

SUBCOMMITTEES:

VICE CHAIR  
TARP, FINANCIAL SERVICES AND BAILOUTS OF  
PUBLIC AND PRIVATE PROGRAMS  
GOVERNMENT ORGANIZATION, EFFICIENCY  
AND FINANCIAL MANAGEMENT  
REGULATORY AFFAIRS, STIMULUS OVERSIGHT  
AND GOVERNMENT SPENDING  
TRANSPORTATION AND  
INFRASTRUCTURE

SUBCOMMITTEES:

AVIATION  
COAST GUARD AND MARITIME TRANSPORTATION  
HIGHWAY AND TRANSIT  
BUDGET COMMITTEE

Date: June 26, 2012

To: Arnita Hanson / EPA

From: Austen Jensen

Honorable Frank Guinta\_\_

Ethan Zorfas\_\_

Austen Jensen✓

Kayla Priehs\_\_

Emma Tautkus\_\_

\_\_Kory Wood

\_\_Mark Powell

\_\_Jay Ruais

\_\_Derek Dufresne

Number of Sheets to Follow: 2

Notes:  
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FRANK GUINTA  
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WASHINGTON, DC 20515  
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## Congress of the United States House of Representatives

Washington, DC 20515

June 26, 2012

### OVERSIGHT AND GOVERNMENT REFORM

#### SUBCOMMITTEES

VICE CHAIR  
TARP, FINANCIAL SERVICES AND RAILROADS OF  
PUBLIC AND PRIVATE PROGRAMS  
GOVERNMENT ORGANIZATION, EFFICIENCY  
AND FINANCIAL MANAGEMENT  
REGULATORY AFFAIRS, STIMULUS OVERSIGHT  
AND GOVERNMENT SPENDING  
TRANSPORTATION AND  
INFRASTRUCTURE

#### SUBCOMMITTEES

AVIATION  
COAST GUARD AND MARITIME TRANSPORTATION  
HIGHWAY AND TRANSIT  
BUDGET COMMITTEE

Administrator Lisa Jackson  
United States Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Dear Administrator Jackson:

I am thankful for your participation in an upcoming discussion between the Environmental Protection Agency (EPA) and representatives of the coalition of concerned New Hampshire Municipalities. Your willingness to meet with these parties indicates a constructive step in the process to protect the Great Bay Estuary, and I hope as you consider the arguments made by representatives of the affected communities, you will recognize not only the legitimacy of their arguments but also their earnest concern for the environmental future of Great Bay.

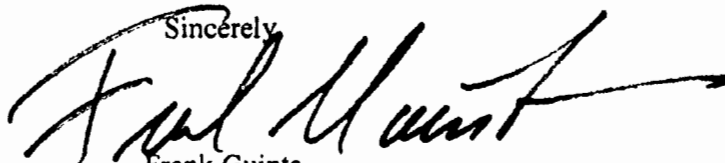
Since the beginning of 2011, my office has met with concerned community leaders and participated in numerous meetings regarding this critical issue. Wastewater Treatment Plant (WWTP) permit hearings have been held in the communities of Exeter, Newmarket and Dover with a great deal of dialogue, but with little progress or direct responses to the concerns raised by community leaders and local citizens. The communities I represent are frustrated with the process and have raised scientific doubt about the conclusions currently being reached by your agency.

At a recent field hearing of the House Oversight & Government Reform Committee, testimony was entered in to the record that indicated your agency's Great Bay policy is being driven by an aversion to a legal challenge by the Conservation Law Foundation (CLF), rather than by the practices of good governance. This testimony was very harmful to the reputation of your agency and no response has been given to either the Committee, or the people of New Hampshire, who have a vested interest in this matter. Since that hearing, I have also become aware of further evidence that indicates the EPA's policy is being determined by an effort to satisfy the concerns of CLF. Additionally, many of the scientific claims currently made by the EPA are directly at odds with prior federally funded research efforts and, thus, do not stand up to strict scrutiny. Moreover, EPA's decision to exclude the public from the scientific peer review process regarding appropriate nutrient criteria for Great Bay, only further erodes public confidence in the objectivity of EPA's decision making process.

In light of these many concerns and in order to provide for the restoration of public faith with this process, I strongly urge the Environmental Protection Agency to: (1) temporarily suspend the process of issuing WWTP permits to the affected communities in the Great Bay Estuary and (2) submit all scientific data concerning the health of the Great Bay Estuary for a detailed, open, and independent peer review.

This proposal is submitted to your attention after many months of careful consideration. As a policy maker, I rely upon well documented and reliable information provided by accredited scientists in order to make sound public policy decisions on behalf of the constituents I have the honor of representing. The concerns raised by the communities severely contradict the findings of the EPA and do not give me great confidence in the current process. I therefore respectfully request you consider this recommendation and fully be prepared to discuss this issue at the June 28<sup>th</sup> meeting.

Sincerely,

A handwritten signature in black ink, appearing to read "Frank Guinta", with a long horizontal flourish extending to the right.

Frank Guinta  
Member of Congress

**Congress of the United States**  
**Washington, DC 20515**

February 23, 2011

The Honorable Lisa Jackson  
U.S. Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Dear Administrator Jackson:

We write to you today to express our concern regarding the Environmental Protection Agency's (EPA) proposed rule to reconsider a recently issued 2008 National Ambient Air Quality Standard (NAAQS) for ground level ozone. This action departs from the normal five-year NAAQS review schedule established by the Clean Air Act, a statutory process that includes mandatory reviews of new science and affords multiple opportunities for public comment. EPA has announced that it intends to issue the final reconsideration rule on July 29, 2011, without following these important statutory procedures.

According to EPA's estimate, the 2008 standard requires states and local governments to make significant reductions in ozone at a cost to industry of about \$7.6 to \$8.8 billion per year. EPA's new proposal calls for even greater reductions that will cost up to \$90 billion per year, per EPA's own estimates. In addition, an EPA ozone standard change carries significant economic growth restrictions for areas not able to meet the new standards. These begin almost immediately and can last for decades.

According to EPA air quality data, the stringent limits in the new proposal could result in hundreds of new counties being in violation of the new standards. These areas will then be less attractive for new businesses selecting locations in which to grow. Existing businesses in these areas would be burdened with additional costly controls as well as delays and uncertainties in permitting modifications or expansions of existing plants or facilities, or construction of new plants or facilities, reducing competitiveness. This will clearly jeopardize our economic recovery and reduce our ability to create jobs that put Americans back to work.

We are concerned over the potential impact of EPA's proposed ozone rule and the Agency's failure to base the rule on a full review of available scientific analyses. EPA's deadline for issuing the final rule accelerates two years from EPA's scheduled review of standards in 2013. In contrast to EPA's proposed rule, current law provides for a review of new ozone health studies since 2005, and will be complemented by public input during the statutory NAAQS setting process.

Review of the new health science is critical given the significant costs and implications of EPA's currently proposed rule. While we strongly support protecting public health and the environment, EPA must ensure, as required under the Clean Air Act, that the standard is based on the best available scientific information.



We believe that EPA's arbitrary proposal to tighten the ozone standard without a full review of the most recent science only three years after setting a more stringent standard in 2008 is inappropriate. We urge you to withdraw the proposed rule and instead focus on the scientific and technical input associated with the ongoing full, statutory review of the standard in 2013.

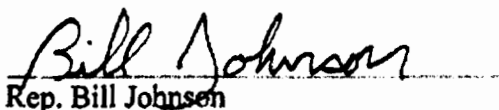
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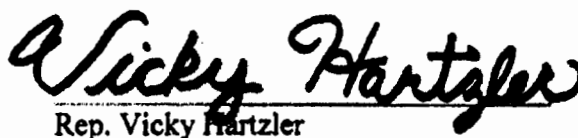
Rep. Bill Flores



Rep. Blake Farenthold



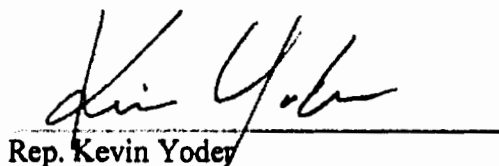
Rep. Bill Johnson



Rep. Vicky Hartzler



Rep. Alan Nunnelee



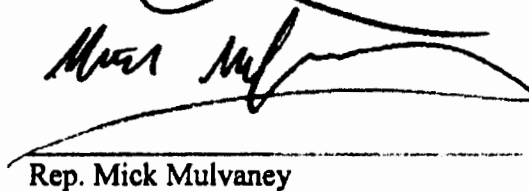
Rep. Kevin Yoder




Rep. Billy Long



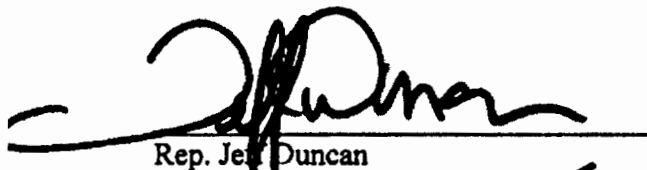
Rep. Scott DesJarlais



Rep. Mick Mulvaney



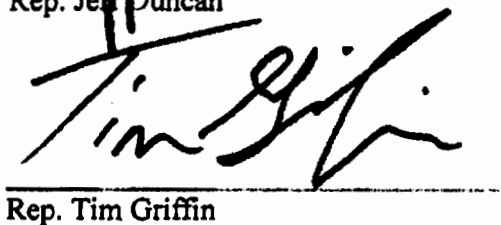
Rep. Francisco "Quico" Canseco



Rep. Jeff Duncan



Rep. Diane Black

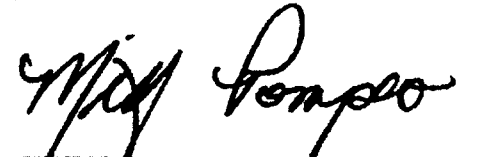


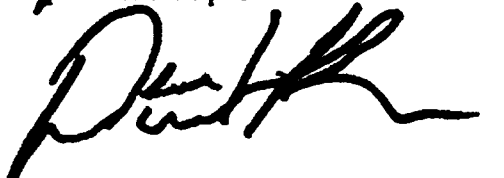
Rep. Tim Griffin



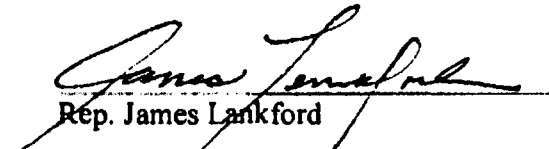
Rep. Ben Quayle

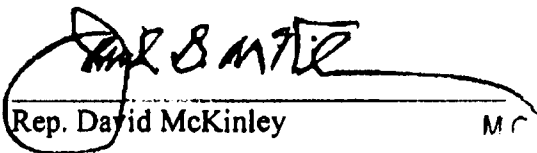
  
Rep. Ann Marie Buerkle

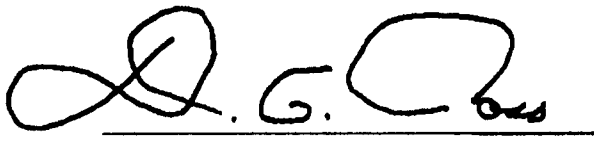
  
Rep. Mike Pompeo

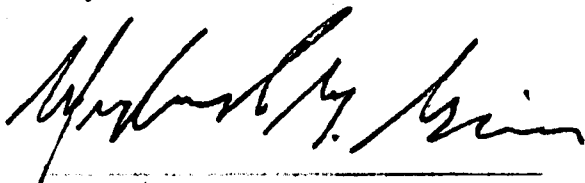
  
Rep. David Rivera

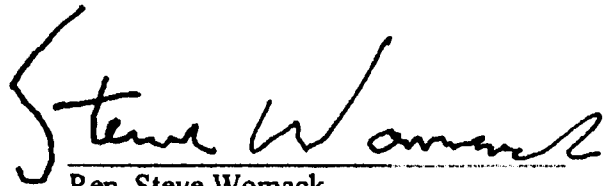
  
Rep. Larry Buchson

  
Rep. James Lankford

  
Rep. David McKinley MC

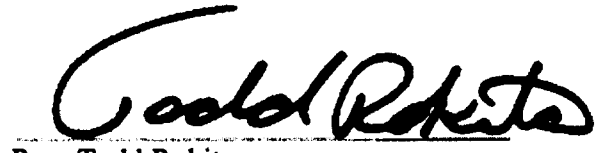
  
Rep. Dennis Ross

  
Rep. Michael Grimm

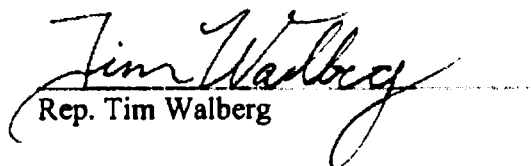
  
Rep. Steve Womack

  
Rep. Austin Scott

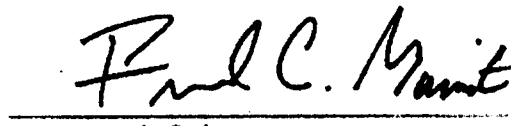
  
Rep. Adam Kinzinger

  
Rep. Todd Rokita

  
Rep. Trey Gowdy

  
Rep. Tim Walberg

  
Rep. Scott Rigell

  
Rep. Frank Guinta

*Lou Barletta*

Rep. Lou Barletta

*[Signature]*

Rep. Tom Reed

NY-29

*[Signature]*

Rep. Morgan Griffith

*[Signature]*

Rep. Robert Hurt

*[Signature]*

Rep. Rick Crawford

*[Signature]*

Rep. Steve Stivers

*[Signature]*

Rep. Mike Kelly

*[Signature]*

Rep. Jeffrey Landry



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

APR 28 2011

OFFICE OF  
AIR AND RADIATION

The Honorable Frank Guinta  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Congressman Guinta:

Thank you for the letter to Administrator Lisa Jackson on February 23, 2011, about the U.S. Environmental Protection Agency's (EPA) reconsideration of the 2008 National Ambient Air Quality Standards (NAAQS) for ground-level ozone (O<sub>3</sub>). The Administrator has asked me to respond on her behalf.

In your letter, which was signed by 37 of your colleagues, you expressed concern over the Agency's decision to reconsider the 2008 standard based on the evidence from that review, and the potential economic consequences of adopting a more stringent standard. I would like to respond to these concerns.

First, I welcome your strong support for protecting public health and the environment and respect your comments and opinions. Administrator Jackson decided to reconsider the 2008 standard of 0.075 ppm, because it was significantly less protective of public health than even the least protective end of the 0.060-0.070 ppm range that the congressionally established Clean Air Scientific Advisory Committee (CASAC) recommended. The benefits to society of a standard within this range are by no means trivial: EPA estimates that such standards could provide up to \$100 billion in public health benefits in 2020, including preventing up to 12,000 premature deaths, 58,000 cases of aggravated asthma, and 2.5 million days of missed work and school.

The reconsideration rests on the more than 1,700 scientific studies in the record as of 2008. EPA's Office of Research and Development has conducted a provisional assessment of relevant studies completed since 2008, and has found that they do not materially change the conclusions of the 2008 assessment.

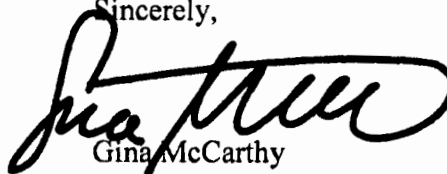
EPA is conducting the reconsideration as an open, transparent process that allows for robust public participation. Public hearings on the 2010 proposed decision were held in Arlington, VA, Houston, TX and Sacramento, CA. More than 50,000 comments have been received. These comments came from state, tribal and local government agencies; industry and related associations; medical, public health and environmental groups; and individuals.

To conclude EPA's extensive review of the science, Administrator Jackson has asked CASAC for further interpretation of the epidemiological and clinical studies they used to make their recommendation and will review this additional input from CASAC before the new standard is selected. While the Administrator will consider the advice of CASAC in reaching her decision, the Administrator will also independently consider the scientific and technical information in the record and all public comments, including yours. The final decisions in this rule will be the Administrator's judgments of what is necessary to meet the requirements of the Clean Air Act (CAA).

Given this ongoing scientific review, EPA intends to set a final standard in the proposed range by the end of July 2011. It is important to note that, as directed by Congress under the CAA, decisions regarding the NAAQS must be based solely on an evaluation of evidence related to the health and environmental effects. EPA is prohibited from considering costs in setting or revising the NAAQS. However, we can and do consider costs during the implementation process, and we will work with states and local areas to help identify cost-effective implementation solutions to meet any revised standards. Furthermore, EPA is moving forward with a number of other national rules that will significantly reduce pollution and improve public health for all Americans—rules designed to reduce harmful emissions from cars, power plants and other industrial facilities that contribute to ozone formation.

Again, thank you for your letter. If you have further questions, please contact me, or your staff may call Cheryl Mackay in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-2023.

Sincerely,

A handwritten signature in black ink, appearing to read "Gina McCarthy", written over a horizontal line.

Gina McCarthy  
Assistant Administrator